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10/061,065	01/28/2002	Jung Owan Lee	DE-1337	5410

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/061,065

Applicant(s)

LEE

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 28, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informality: The specification appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors. For example: on page 2, "expand throughout the space" and "which destructs ozone layer" just to name a few. Appropriate correction is required.

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP, § 608.01(o). Correction of the following is required: It is noted that the invention is directed to a refrigerator using "an expandable polystyrene (EPS) insulating material", the specification further states "an insulating

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material in accordance with the present invention, an EPS material is employed". As such, claim 9, recites that the insulating members are "made of expandable polyethylene". This is not consistent with applicant's intent. Appropriate correction is required. ✓

#### *Claim Objections*

4. Claims 1 & 9 are objected to because of the following informalities: in each of the claims, the recitation "devoid of welded portion" should be changed to --devoid of welded portions--. Appropriate correction is required. ✓

#### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-3 & 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 2-3 & 5-6, the recitations "reinforcing members" [claims 2-3 & 6] and "reinforcing brackets" [claim 5] are unclear and confusing as presently worded since the claims previously recite "said plurality of reinforcing members include a first and a second..." [claim 2 for example] implying a first and a second member [not members]. In claim 7, the phrase "the securing members" does not have a proper antecedent basis. ✓

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***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6 & 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Vismara [U.S. Patent No. 5,730,516]. Vismara (figures 1-9) teaches of a refrigerator comprising: a cabinet assembly including an outer case (fig. 1 for example) having space side walls, and a top wall, a plurality of reinforcing members (11's) for increasing the structural strength of the case and means (13) for securing the reinforcing members to the case; and a plurality of insulating members (16) made of expandable polystyrene [as best understood by the examiner]. [cl 2] The members including a first and second lower side member (bottom 11's in fig. 1), [cl 3] a lower front member (bottom 11 in fig. 1), [cl 4] upper front member (top 11 in fig. 1), [cl 6] upper and lower rear members (a bottom 11 and a top 11 in fig. 1), [cl 5] and first and second brackets (bottom 11's in fig. 1).

9. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor Jr., [U.S. Patent No. 4,706,363]. Taylor (figures 1-6) teaches of a refrigerator cabinet assembly comprising: an outer case (fig. 1 for example - see specification in col. 2) having space side walls, and a top wall interconnecting the side walls, a plurality of reinforcing members (16 & 28's) for increasing the structural strength of the case; and means (64) for securing the reinforcing members to the case. [cl 2] The members including a first and second lower side member (bottom 28's in

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fig. 1), [cl 3] a lower front member (bottom 28 in fig. 1), [cl 4] upper front member (16 in fig. 1), [cl 6] upper and lower rear members (a bottom 28 and a 16 in fig. 1), [cl 5] and first and second brackets (bottom 28's in fig. 1).

*Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor Jr., in view of Winsler et al., [U.S. Patent No. 3,697,723]. Taylor teaches applicant's inventive claimed concept as disclosed above, but does not specifically state that the fasteners are "self-drilling". However, Winsler (figures 1-7) teaches the known use of "self-drilling" screws in an analogous art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the fasteners of Taylor so as to employ self-drilling screws as taught by Winsler because this arrangement would reduce assembly costs since the manufacturing of the cabinet assembly need only require pre-drilled holes [one step] as opposed to drilled and tapped holes [two steps] for use with a standard fastener. Furthermore, as to the "pre-coated" metal outer case, notice is taken of the fact that conventional refrigerator cabinets typically employ this finish. Mizushima et al., [U.S. Patent No. 3,802,591] is cited as an evidence reference to show

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that the use of a "pre-coated" metal plate for this type of cabinet construction is old and well known (col. 1, lines 12-15).

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boston Jr., Home Energy Magazine Online publication, Silber, Powell et al., WIPO publication 99/13280 and German publication 2135724 describe refrigerator cabinet assemblies.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-1113. **Fax numbers for Official Papers are as follows:**  
**Before Final (703) 872-9326 & After Final (703) 872-9327.**

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.

  
James O. Hansen  
Primary Examiner  
Technology Center 3600

JOH  
June 16, 2003